

State of Minnesota
County of Hennepin

District Court
Fourth Judicial District

FILED

CCT LIST CHARGE STATUTE ONLY
1 609.611
2 609.52

MOC GOC CITY ATTY
U168G X FILE NO.
U1062 X 13-0014
Hennepin County District
Court Administrator

CONTROLLING AGENCY CONTROL NO
MN062095Y 11000594

COURT CASE NO.

DATE FILED

☐ if more than 6 counts (see attached) ☐ if Domestic Assault as defined by MS 518B01, sub2a,b

State of Minnesota,

PLAINTIFF,

VS.

☐ Amended ☐ Tab Charge Previously Filed

☐ SERIOUS FELONY ☒ SUMMONS
☒ FELONY ☐ WARRANT
☐ GROSS MISDM DWI ☐ ORDER OF DETENTION
☐ GROSS MISDM ☐ EXTRADITION

NAME: first, middle, last
DANNISHA DIANE MCCARVER

DEFENDANT,

Date of Birth MNCIS #: 27-CR-
1/24/77 LE#: 12-26448
SILS ID: 588027
TRACK ID: 2611997

LKA: 1020 95TH LANE NW
COON RAPIDS, MN 55433

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your complainant, John Billington, is a sworn peace officer and detective with the Minnesota Department of Commerce – Division of Insurance Fraud Prevention and bases this complaint on the investigation performed by American Family Life Assurance Company (Aflac), bank records, witness statements and his own investigation:

In May of 2011, Aflac began investigating a number of insurance claims in Minnesota that closely resembled fraudulent claims filed by insurance fraud rings in other parts of the United States. Three of the claims in Minnesota were referred to Complainant for a criminal investigation and involved Terrence Price, his mother Burnell Franklin and DANNISHA DIANE MCCARVER, date of birth 1/24/77, Defendant herein. The three suspects, who knew each other, had each purchased accident/hospitalization policies and then a short time later, submitted a claim for injuries sustained in household accidents that were so serious as to require hospitalization. The medical records submitted with these insurance claims were found to be complete fabrications.

On March 30, 2009 and April 2, 2009, Defendant McCarver filled out and signed applications for Hospital Intensive Care and Accidental Death and Dismemberment policies. On June 9, 2009, a claim dated that same date, was sent to Aflac which stated that Defendant McCarver was "At home squeezing lighter fluid on hot charcoal when lighter fluid got on dress and dress caught on fire." Submitted with the claim were medical records, ostensibly from Mercy Hospital in Coon Rapids, Minnesota, which purported to reflect Defendant McCarver's hospitalization in that facility from June 4, 2009 to June 8, 2009. The records also indicated that Defendant McCarver had sustained third degree burns to portions of her front and back torso.

Based upon the claim and medical records submitted to support that claim, on June 11, 2009, Aflac sent a check to Defendant McCarver in the amount of \$8,920.00 and sent it to her address of 332 Second Street S.E., Osseo in Hennepin County, Minnesota. On or about June 16, 2009, the check was cashed at Twin City Federal National Bank, located at a Cub Foods store at 7555 West Broadway Avenue, Brooklyn Park, in Hennepin County. On June 25, 2009, \$4,400.00 was transferred from Defendant McCarver's account to an account in the name of "Geraldine Harris," who also had an account with TCF. A subsequent investigation conducted by Aflac investigators revealed that Defendant McCarver had not been treated at Mercy Hospital for burns and had not been hospitalized as documented in the reports. Aflac sent a letter to Defendant demanding a return of the money, but received no response from Defendant.

On May 3, 2012, Complainant interviewed A.M.F., a physician who practices at Mercy Hospital and whose name was listed as the treating physician for Defendant McCarver, Price and Franklin in claim forms submitted to Aflac. The doctor was shown the medical records and the accidental injury forms that were submitted with the claims to Aflac. The doctor confirmed that the claims were fraudulent and noted that they were replete with inaccuracies as to diagnosis, medication dosages, treatment and the medical services that had allegedly been provided. The doctor examined the forms submitted to support Defendant McCarver's claim and said that he had never seen the form and that the signature was not his. A.M.F. also noted that Mercy Hospital does not have a "burn trauma unit" and A.M.F. would not be listed as a physician in a "burn unit." The doctor noted that the only medical facilities in the area that have burn units are Hennepin County Medical Hospital and Regions Hospital. Complainant also obtained verification from hospital administration that Defendant McCarver was not a patient at Mercy Hospital from June 4 to June 8, 2009.

In June of 2012, Complainant interviewed both Price and Franklin regarding the insurance fraud scheme. Price said that he knew Defendant McCarver, who had come to a birthday celebration in a nice van. When he asked her about the van, Defendant McCarver said that all he needed to do to get some money was to fill out an insurance policy and pay for it for a few months. After that, he would get a check in the mail. Price, who identified Defendant McCarver in a photographic display, said that he followed McCarver's instructions and got a check in the mail for \$10,520. Price kept \$5,000 and he gave the rest to Franklin, who met a woman, "Geraldine" in a parking lot in Hennepin County and gave her the rest of the money. Complainant showed Price medical records that were submitted as part of the claim generating his check from Aflac. Price confirmed that the records were fraudulent and that he had not suffered burns in a household accident.

Complainant also spoke to Franklin, who confirmed obtaining a check in the sum of \$9,920.00 from Aflac in a similar fraud scheme. Franklin said that she dealt with someone she knows as "Geraldine," who she thinks is related to the McCarvers and lives out of state. Franklin said that "she [Geraldine] does it and then the check comes to you and you deposit the check. Once the check clears, you send her so much of it." Franklin identified a check she received from Aflac and confirmed her signature as the endorsement on the back of the check. Franklin said that she had a TCF account and put part of it in "Geraldine's" account. Complainant also showed Franklin the bogus medical records that were submitted with her claim and she confirmed that she was not injured in a household accident and was not hospitalized.

On August 21, 2012, Complainant located Defendant McCarver at a residence in Coon Rapids, Minnesota. Complainant identified himself as an investigator with the State of Minnesota and informed her that he was investigating a complaint about an Aflac policy that she had purchased. Complainant said that she was not going to be arrested and that she did not need to talk to him. Defendant McCarver said that she would talk to Complainant, but did not want to incriminate herself. Complainant showed McCarver the Aflac policy form for Hospital Intensive Care Unit and she said she remembered applying for the policy. Defendant said that the Aflac representative came to her home, then said he came to her work. Defendant was shown the initials and signatures on the documents and she said "that's my name." She was then shown the application for the Accidental Death and Dismemberment (AD &D) policy and said "I don't know what I applied for," she just knows she signed up. Complainant said she "probably" signed the document. Defendant refused to answer when asked if the signatures were her own.

Complainant said she “probably” signed the document. Defendant refused to answer when asked if the signatures were her own.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

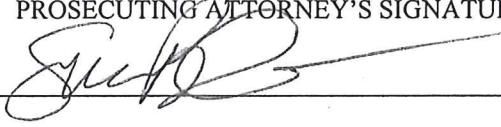
COUNT 1: INSURANCE FRAUD (FELONY)
 MINN. STAT. § 609.611, SUBD. 1(a)(2), SUBD. 3, § 609.52, SUBD. 3(2); §609.05
 PENALTY: 0-10 YEARS AND/OR \$20,000

That on or about March 30, 2009 through June 25, 2009, in Hennepin County, Minnesota, DANNISHA DIANE MCCARVER, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, with intent to defraud for the purpose of depriving another of property or for pecuniary gain in the amount of \$8,920.00, presented or caused to be presented, or prepared with knowledge or reason to believe that it would be presented, on behalf of an insured, claimant, or applicant to an insurer, insurance professional, or premium finance company, information that contained a false representation as to a material fact, or concealed a material fact concerning a claim for payment or benefit under an insurance policy.

COUNT 2: THEFT BY SWINDLE OVER \$5,000 (AGGREGATED) (FELONY)
 MINN. STAT. § 609.52, SUBD. 2(4), SUBD. 3(2), 3(5); 609.05
 PENALTY: 0-10 YEARS AND/OR \$20,000

That on or about March 30, 2009 through June 25, 2009, in Hennepin County, Minnesota, DANNISHA DIANE MCCARVER, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, obtained property or services, of a value in excess of Five Thousand Dollars (\$5,000.00), from Aflac, by swindling Aflac using artifice, trick, device or other means.

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. § 609.49.

<i>THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:</i> 1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or 2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.	
COMPLAINANT'S NAME: Investigator John Billington	COMPLAINANT'S SIGNATURE: <i>Original Signed by Complainant</i>
<i>Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.</i>	
DATE: March 21, 2013	PROSECUTING ATTORNEY'S SIGNATURE: 
PROSECUTING ATTORNEY:	
NAME/TITLE: SUSAN B CRUMB (148246) Assistant County Attorney	ADDRESS/TELEPHONE: C2000 Government Center, Minneapolis, MN 55487 Telephone: 612-348-5612

Court Case # _____

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME:

SIGNATURE:

TITLE:

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

☒ THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐**WARRANT**☐ EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

☐ Since the above-named Defendant(s) is already in custody; I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail: Bail to Remain as Previously Ordered.

Conditions of Release

This COMPLAINT- **SUMMONS** _____ duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME:

MAR 22 2013

SIGNATURE

TITLE: JUDGE OF DISTRICT COURT

JUDGE LLOYD ZIMMERMAN

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA

COUNTY OF HENNEPIN

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff

vs.

DANNISHA DIANE MCCARVER

Defendant(s).

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT – SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.

Signature of Authorized Service Agent: